

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MONTGOMERY, VIRGINIA HELD ON THE 9<sup>th</sup> DAY OF FEBRUARY, 2009 AT 6:00 P.M. IN THE BOARD CHAMBERS, MONTGOMERY COUNTY GOVERNMENT CENTER, 755 ROANOKE STREET, CHRISTIANSBURG, VIRGINIA:

PRESENT: Annette S. Perkins (arrived 6:30 p.m.)-Chair  
James D. Politis -Vice Chair  
Mary W. Biggs -Supervisors  
William H. Brown  
Gary D. Creed  
Doug Marrs  
B. Clayton Goodman, III -County Administrator  
L. Carol Edmonds -Assistant County Administrator  
Martin M. McMahon -County Attorney  
Steve Sandy -Planning Director  
Ruth L. Richey -Public Information Officer  
Vickie L. Swinney -Secretary, Board of Supervisors

ABSENT: John A. Muffo -Supervisor

**CALL TO ORDER**

The Vice-Chair called the meeting to order.

**ADD TO THE AGENDA – ADDENDUM TO CLOSED MEETING**

On a motion by Mary W. Biggs, seconded by Gary D. Creed and carried unanimously, the addendum dated February 9, 2009 was added to the agenda under Closed Meeting as follows:

Section 2.2-3711 (3) Discussion or Consideration of the Acquisition of Real Property for Public Purpose, or of the Disposition of Publicly Held Real Property, Where Discussion in an Open Meeting Would Adversely Affect the Bargaining Position or Negotiating Strategy of the Public Body

1. Blacksburg Technology Manufacturing Building

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT DURING VOTE</u>	<u>ABSENT DURING MEETING</u>
Doug Marrs	None	Annette S. Perkins	John A. Muffo
Mary W. Biggs			
William H. Brown			
Gary D. Creed			
James D. Politis			

### **INTO CLOSED MEETING**

On a motion by Mary W. Biggs, seconded by Gary D. Creed and carried unanimously,

BE IT RESOLVED, The Board of Supervisors hereby enters into Closed Meeting for the purpose of discussing the following:

#### Section 2.2-3711

- (1) Discussion, Consideration or Interviews of Prospective Candidates for Employment; Assignment, Appointment, Promotion, Performance, Demotion, Salaries, Disciplining or Resignation of Specific Officers, Appointees or Employees of Any Public Body
  1. BZA
  2. Community Corrections and Pre-Trial Services
  3. CPMT(Parent Representative)
  4. Office on Youth Advisory Board
  5. Planning Commission
  6. Transportation Safety Commission
  7. Personnel
- (3) Discussion or Consideration of the Acquisition of Real Property for Public Purpose, or of the Disposition of Publicly Held Real Property, Where Discussion in an Open Meeting Would Adversely Affect the Bargaining Position or Negotiating Strategy of the Public Body
  1. Blacksburg Technology Manufacturing Building

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT DURING VOTE</u>	<u>ABSENT DURING MEETING</u>
Mary W. Biggs	None	Annette S. Perkins	John A. Muffo
William H. Brown			
Gary D. Creed			
Doug Marrs			
James D. Politis			

Supervisor Perkins arrived at 6:30 p.m.

### **OUT OF CLOSED MEETING**

On a motion by James D. Politis, seconded by William H. Brown and carried unanimously,

BE IT RESOLVED, The Board of Supervisors ends their Closed Meeting to return to Regular Session.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Doug Marrs	None	John A. Muffo
Mary W. Biggs		
James D. Politis		
William H. Brown		
Gary D. Creed		
Annette S. Perkins		

### **CERTIFICATION OF CLOSED MEETING**

On a motion by Doug Marrs, seconded by James D. Politis and carried unanimously,

WHEREAS, The Board of Supervisors of Montgomery County has convened a Closed Meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711 of the Code of Virginia requires a certification by the Board that such Closed Meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby certifies that to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only

such public business matters as were identified in the motion conveying the closed meeting were heard, discussed or considered by the Board.

### VOTE

#### AYES

Mary W. Biggs  
James D. Politis  
William H. Brown  
Gary D. Creed  
Doug Marrs  
Annette S. Perkins

#### NAYS

None

#### ABSENT DURING VOTE

John A. Muffo

#### ABSENT DURING MEETING

John A Muffo

### **INVOCATION**

A Moment of Silence was lead by Chair Perkins.

### **PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was recited.

### **DELEGATIONS**

#### **Virginia Department of Transportation**

David Clarke, VDOT Residency Administrator, updated the Board of Supervisors on road issues/concerns in Montgomery County. Mr. Clarke reported the Six-Year Plan for Primary and Interstate Roads was revised due to the state budget cuts. Only one public hearing will be held on the revised plan in Richmond; however, written comments will be accepted. To summarize the plan, all projects were halted except those that had construction money already allocated. The Rt. 114 Bridge project is still in the plan and should go out for bid in 2010.

Mr. Clarke also reported that funding for the Six-Year Secondary Road Improvement Plan for has been severely reduced. There is no money allocated for unpaved roads or construction. VDOT is hoping to schedule public hearings in the Spring of 2009. Funding for secondary

roads will mainly come from federal funding and Montgomery County will have to revise their priority list to include roads that qualify for federal funds.

The County Administrator distributed a copy of roads that qualify for federal funds and therefore are eligible for Six-Year Secondary Road Improvement funds in Montgomery County. The list of roads is as follows:

<b>Route</b>	<b>Name</b>	<b>From-To Limits</b>
600	Piney Woods Road	from Floyd Co. line to Mudpike
787	Indian Valley Road	from Floyd Co. line to 693
693	Childress Road	from Route 8 to Pulaski Co. line
658	Meadow Creek Road	from Route 8 to Route 600
666	Mudpike	from Route 600 to C'burg limits
663	Walton Road	from Route 11 to Route 114
685	Prices Fork Road	from Route 114 to B'burg limits
652	McCoy Road	from Prices Fork to Mt. Zion Rd.
655	Mt. Zion Road	from McCoy Rd to B'burg limits
615	Pilot Rd/Old Pike	from C'burg limits to Floyd Co. line
612	High Rock Hill Rd.	from Pilot Rd. to Floyd line
637	Alleghany Springs	from Rt. 11 to Hickman Hollow Rt. 687
753	Old Town Road	through Shawsville
723	Ellet Road	from C'burg limits to Rt. 603 (Jennelle)
603	North Fork/Den Hill Road	from Rt. 11 to Ellett Rd
603	Cedar Run	from B'burg to Jennelle Rd
785	Catawba/Harding Road	from Roanoke line to B'burg
642	Jennelle Road	from Route 460 to Ellet Road
774	Price Station Road	from Prices Fork Road to Arsenal
688	Rock Road	from Rt. 11 to Radford City Limits

Supervisor Creed asked if roads that were already approved for construction on the Six-Year Secondary Road Improvement plan last year were cut or will they move forward, specifically Mt. Pleasant Road (SR 639) . Mr. Clarke replied only roads that had money allocated to the construction phase of the project will move forward. Roads that had money allocated for preliminary engineer work will not move forward. Mr. Clarke stated that Mt. Pleasant Road had construction money already allocated for Phase I of the project and will move forward.

Wendell Jones, Chair-School Board, provided opening remarks on the School Board Budget for FY 2009-2010. Mr. Jones stated that the School Board considered the economic impact when planning for the budget. There will be considerable reduction in state revenue; however, they are committed to have all schools accredited, retain highly qualified staff, and absorb revenue cuts by doing the least harm to instruction. The School Board also wants to continue to build positive communication and collaboration among the School Board and Board of Supervisors.

Dr. Tiffany Anderson, School Superintendent, reported that the school budget being presented to the Board of Supervisors includes input from parents, teachers, administrators, and the community. The Montgomery County Public School system continues to excel in academics, athletics, fine arts, and other student competitions. They will make every effort to protect classroom instruction and absorb budget reductions in other areas of school and district operations. Due to the size of the reductions, some classroom positions will be reduced through attrition resulting in an increase in overall pupil teacher ratios. Dr. Anderson also stated they will continue to meet many challenges presented by the federal legislation under No Child Left Behind and the State Standards of Quality and Standards of Accreditation. She expressed her appreciation to the Board of Supervisors and asked that they support the School Board's budget as presented.

Walt Shannon, Assistant Superintendent of Operations, provided an overview of the School's FY 2009-2010 Budget. The proposed school budget totals \$93,807,307, which is \$3,578,431 less than last year. Montgomery County will receive a \$3,930,559 reduction in state revenue. Mr. Shannon provided major highlights of the state reductions to Montgomery County and what areas are being reduced in school instruction, transportation, administration/health, operations & maintenance, and non-instruction. The majority of the reduction will be leaving 29 teacher positions vacant and reducing or absorbing other positions into classroom teachers.

Mr. Shannon stated the School Board is requesting an additional \$376,988 from County funding to help cover the increase in cost of health insurance and to help offset some of the budget cuts from the State.

Supervisor Biggs commented that the School Board spent a considerable amount of time working on the budget in order to bring a balanced budget to the Board of Supervisors.

Supervisor Perkins commented that it has been a challenge to both the County and the School Board having demands put on them due to the state budget reductions.

## **PUBLIC ADDRESS**

Angie Cornett, President of the Montgomery County Education Association (MCEA), expressed her appreciation to the Board of Supervisors for their support in funding the School Board's budget last year and providing teachers with a salary increase. She recognizes that this budget cycle will be different due to state budget reductions and the MCEA did not ask for salary increases this year. Ms. Cornett urged the Board to support the School Board's budget this year and fund the additional money needed to maintain the school employee health insurance benefits. Ms. Cornett also requested that the Board of Supervisors help keep school positions from being changed from full-time to part-time status as being proposed in the budget, so employees can keep their health insurance benefits.

Wes Atkinson expressed his appreciation to Clay Goodman, County Administrator, for his service to Montgomery County and its citizens and hates to see him leave. Mr. Atkinson also commented that if the School Board could reduce its budget by \$4 million then he believes they could have done without it before.

There being no further speakers, the public address session was closed.

### **CONSENT AGENDA**

On a motion by Doug Marrs, seconded by Mary W. Biggs and carried unanimously, the Consent Agenda dated February 9, 2009 was approved.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
James D. Politis	None	John A. Muffo
William H. Brown		
Gary D. Creed		
Doug Marrs		
Mary W. Biggs		
Annette S. Perkins		

### **Approval of Minutes**

On a motion by Doug Marrs, seconded by Mary W. Biggs and carried unanimously, the minutes dated November 12 and November 19, 2008 were approved.

**DOMESTIC VIOLENCE VICTIM GRANT  
COMMONWEALTH'S ATTORNEY**

On a motion by Doug Marrs, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, By the Montgomery County Board of Supervisors that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2009 for the function and in the amount as follows:

201	Commonwealth's Attorney Grants	\$40,000
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The source of the funds for the foregoing appropriation is as follows:

Revenue Account

02201-424401	Domestic Violence Victim Grant	\$40,000
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Said resolution appropriates the Domestic Violence Victim Grant funds to be administered by the Commonwealth's Attorney's Office.

**A-FY-09-65  
COMMONWEALTH'S ATTORNEY  
FORFEITED ASSET SHARING PROGRAM**

On a motion by Doug Marrs, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2009 for the function and in the amount as follows:

220	Commonwealth's Attorney	\$647
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The source of the funds for the foregoing appropriation is as follows:

Revenue Account

451205	Designated Fund Balance	\$647
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Said resolution appropriates monies received in the Forfeited Asset Sharing Program in previous years from the Department of Criminal Justice Services.

**A-FY-09-66**



**VJCCCA GRANT  
COMMUNITY PROGRAMS  
REDUCTION APPROPRIATION**

On a motion by Doug Marrs, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund appropriation was adjusted as follows for the fiscal year ending June 30, 2009, for the function and in the amount as follows:

520	Community Programs	(\$9,240)
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The corresponding reduction in funds for the foregoing appropriation reduction is as follows:

<u>Revenue Account</u>		
02- 451203	Undesignated Fund Balance	(\$7,105)
25205 424412	VJCCCA Grant	<u>(\$2,135)</u>
	Total	(\$9,240)

Said resolution reconciles appropriated funds to the VJCCCA grant.

**A-FY-09-67  
LIBRARY  
APPROPRIATION ADJUSTMENT**

On a motion by Doug Marrs, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund appropriation was adjusted for the fiscal year ending June 30, 2009, for the function and in the amount as follows:

710	Montgomery Library	\$8,957
711	Montgomery Library Grant	\$9,750
720	Floyd Library	(\$302)
721	Floyd Library Grant	<u>\$9,750</u>
	Total	\$28,155

The sources of the funds for the foregoing appropriation are as follows:

Revenue Account

02710-424409 Montgomery State Aid	\$3,954
02710-419108 Montgomery Recovered Costs	\$5,003
02711-419119 Montgomery Gates Grant	\$9,750
02720-424409 Floyd State Aid	\$698
02720-416157 Town of Floyd Contribution	(\$1,000)
02720-419119 Floyd Gates Grant	<u>\$9,750</u>
Total	\$28,155

Said resolution adjusts the appropriation for use by the Library.

**A-FY-09-68  
PLANNING & GIS  
TOPOGRAPHY/ORTHOPHOTOGRAPHY FEES**

On a motion by Doug Marrs, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the County Capital Projects Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ended June 30, 2009, for the function and in the amount as follows:

8006	Topography/Orthophotography	\$15,269
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The sources of the funds for the foregoing appropriation are as follows:

<u>Revenue Account</u>		
451200	Fund Balance	\$13,581
419108	Topo/Ortho Sales	<u>\$1,688</u>
Total		\$15,269

Said resolution appropriates funds received from the sale of topographic contour data and digital orthophotography acquired with GIS funds for floodplain delineation, internal projects and GIS map updates.

**A-FY-09-69  
SHERIFF – RECOVERED COSTS**

On a motion by Doug Marrs, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2009, for the function and in the amount as follows:

310	Sheriff – Compensation Board	\$ 2,096
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320	Sheriff – County	\$ 8,935
321	Sheriff – Project Lifesaver	\$ 275
	Total	\$11,306

The sources of the funds for the foregoing appropriation are as follows:

<u>Revenue Account</u>		
419108	Recovered Costs	\$11,031
424401	Project Lifesaver	\$ 275
	Total	\$11,306

Said resolution appropriates recovered costs for use by the Sheriff's department.

**A-FY-09-70  
SOCIAL SERVICES  
APPROPRIATION ADJUSTMENT**

On a motion by Doug Marrs, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2009, for the function and in the amount as follows:

540	Social Services	\$45,731
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The sources of the funds for the foregoing appropriation are as follows:

<u>Revenue Account</u>		
	State & Federal	\$130,610
451203	Fund Balance	<u>(\$84,879)</u>
	Total	\$ 45,731

Said resolution appropriates additional state funding to reconcile the Social Services FY 09 approved budget to the approved state allocation sheet and December 2008 Laser Report for FY 09.

**R-FY-09-92**

**FINAL PLAT – PROPOSED RIGHT OF WAY EXTENSION  
OF FLANAGAN DRIVE F-060**

On a motion by Doug Marrs, seconded by Mary W. Biggs and carried unanimously,

WHEREAS, The Plat Showing Proposed Right of Way Extension of Flanagan Drive F-060 and Drainage Easement Dedication Plat consists of the dedication of a fifty (50) foot right of way 0.3 miles beyond the existing end of state maintenance of Flanagan Drive (F-060) including the dedication of a fifteen (15) foot drainage easement has been found to meet the requirements of the Montgomery County Code Chapter 8, Article IV (Subdivision Ordinance).

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia does hereby approve the Final Plat of Proposed Right of Way Extension of Flanagan Drive F-060 and Drainage Easement Dedication (Gay and Keese, Inc. Job No. 2005.0 consisting of sheets 1 through 3 dated 08/15/08 and sheet 1 of 1 dated 12/10/08), Riner Magisterial District.

FURTHER, The Chairman is hereby authorized to sign said plat for recordation.

**OLD BUSINESS**

**R-FY-09-93  
SPECIAL USE PERMIT  
FOR THE PURPOSE OF ALLOWING A MANUFACTURED HOME,  
CLASS A (DOUBLEWIDE) IN A RESIDENTIAL (R-3) ZONING DISTRICT  
IN THE RINER MAGISTERIAL DISTRICT (DISTRICT D)  
PARCEL ID 100531; TAX MAP NUMBER 090-1BK-B-12E  
RICHARD A. ROSE**

On a motion by Mary W. Biggs, seconded by William H. Brown and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia a request by Richard A. Rose for a Special Use Permit (SUP) on approximately 0.234 acres in a Residential (R-3) zoning district to allow a Manufactured Home, Class A (doublewide) is found to be consistent with the County's Comprehensive Plan and is hereby approved with the following conditions:

1. No class B (singlewide manufactured home) structures shall be permitted.
2. The existing accessory structure located on the property shall be removed, or relocated to meet setback requirements.
3. No business use of the property shall be permitted, other than a home occupation as permitted by right.
4. No exterior storage of unlicensed vehicles or construction materials shall be permitted on the property.

The property is located at 3824 Truman Ave., and is identified as Tax Parcel No(s) 090-1BK-B-12E (Acct No. 100531), in the Riner Magisterial District (District D). The property currently lies in an area designated as High Density Residential in Plum Creek Village in the Comprehensive Plan.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
William H. Brown	None	John A. Muffo
Gary D. Creed		
Doug Marrs		
Mary W. Biggs		
James D. Politis		
Annette S. Perkins		

**R-FY-09-94**  
**AMENDMENT TO THE 2025 MONTGOMERY COUNTY COMPREHENSIVE**  
**PLAN BY ADOPTING A NEW FUTURE LAND USE MAP FOR THE ELLISTON &**  
**LAFAYETTE VILLAGE PLAN**

On a motion by James D. Politis, seconded by William H. Brown and carried unanimously,

WHEREAS, The Board of Supervisors of Montgomery County, Virginia identified and adopted the Village of Elliston-Lafayette Plan and Village Land Use Map, dated June 25, 2007 as part of the 2025 Montgomery County Comprehensive Plan; and

WHEREAS, The Montgomery County Planning Commission held a public hearing on January 10, 2009 to gather comments concerning the adoption of a new Future Land Use Map for the Village of Elliston-Lafayette to replace the existing Land Use Map that depicts the land uses that were adopted for the Village of Elliston and Lafayette; and

WHEREAS, The Planning Commission unanimously found that the new proposed Elliston-Lafayette Village Plan Land Use Map complies with the requirements of Section PLU 1.1.1 Policy Area Designations of the Comprehensive Plan and recommended approval of the new Future Land Use Map; and

WHEREAS, The Board of Supervisors held a public hearing on January 26, 2009 to gather comments concerning the new proposed Future Land Use Map for the Village of Elliston-Lafayette; and

WHEREAS, The Montgomery County Board of Supervisors hereby finds that the new proposed Elliston-Lafayette Village Plan Land Use Map meets the requirements of Section PLU 1.1.1 Policy Area Designations of the Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED, That the new Village of Elliston-Lafayette Future Land Use Map and the designations shown on the New Future Land Use Map dated January 14, 2009 are hereby approved and made a part of the 2025 Montgomery County Comprehensive Plan replacing the prior Land Use Map for the Village adopted June 25, 2007.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Doug Marrs	None	John A. Muffo
Mary W. Biggs		
James D. Politis		
William H. Brown		
Gary D. Creed		
Annette S. Perkins		

**R-FY-09-95**

**AMENDMENT TO THE 2025 MONTGOMERY COUNTY COMPREHENSIVE PLAN  
BY ADOPTING A NEW FUTURE LAND USE MAP  
FOR THE PRICES FORK VILLAGE PLAN**

On a motion by William H. Brown, seconded by James D. Politis and carried unanimously,

WHEREAS, The Board of Supervisors of Montgomery County, Virginia identified and adopted the Village of Prices Fork Plan on November 16, 2005 as part of the 2025 Comprehensive Plan; and

WHEREAS, The Montgomery County Planning Commission held a public hearing on January 10, 2009 to gather comments concerning proposed amendments to the Future Land Use Map; and

WHEREAS, The Planning Commission unanimously found that the proposed amendments to the Prices Fork Village Plan Land Use Map comply with the requirements of Section PLU 1.1.1 Policy Area Designations of the Comprehensive Plan and recommended approval of the new Future Land Use Map; and

WHEREAS, The Board of Supervisors held a public hearing on January 26, 2009 to gather comments concerning the proposed amendments to the Future Land Use Map dated January 14, 2009; and

WHEREAS, The Montgomery County Board of Supervisors hereby finds that the proposed Prices Fork Village Plan Future Land Use Map meets the requirements of Section PLU 1.1.1 Policy Area Designations of the Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED, that the Village of Prices Fork Future Land Use Map designations are hereby adopted as shown on the New Future Land Use Map dated January 14, 2009.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Mary W. Biggs	None	John A. Muffo
James D. Politis		
William H. Brown		
Gary D. Creed		
James D. Politis		
Annette S. Perkins		

**R-FY-09-96**

**AMENDMENT TO THE 2025 MONTGOMERY COUNTY COMPREHENSIVE PLAN  
BY ADOPTING A NEW FUTURE LAND USE MAP  
FOR THE RINER VILLAGE PLAN**

On a motion by James D. Politis, seconded by Mary W. Biggs and carried unanimously,

WHEREAS, The Board of Supervisors of Montgomery County, Virginia identified and adopted the Village of Riner Plan on June 25, 2007 as part of the 2025 Comprehensive Plan; and

WHEREAS, The Montgomery County Planning Commission held a public hearing on January 10, 2009 to gather comments concerning proposed amendments to the Future Land Use Map; and

WHEREAS, The Planning Commission unanimously found that the proposed amendments to the Riner Village Plan Land Use Map comply with the requirements of Section PLU 1.1.1 Policy Area Designations of the Comprehensive Plan and recommended approval of the new Future Land Use Map; and

WHEREAS, The Board of Supervisors held a public hearing on January 26, 2009 to gather comments concerning the proposed amendments to the Future Land Use Map dated January 14, 2009; and

WHEREAS, The Montgomery County Board of Supervisors hereby finds that the proposed Riner Village Plan Future Land Use Map meets the requirements of Section PLU 1.1.1 Policy Area Designations of the Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED, That the Village of Riner Future Land Use Map designations are hereby adopted as shown on the New Future Land Use Map dated January 14, 2009.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
William H. Brown	None	John A. Muffo
Gary D. Creed		
Doug Marrs		
Mary W. Biggs		
James D. Politis		
Annette S. Perkins		

**ORD-FY-09-11**  
**AN ORDINANCE AMENDING CHAPTER 10 ENTITLED ZONING,**  
**SECTION 10-21, AGRICULTURE DISTRICT (A-1), SECTION 10-24, RESIDENTIAL**  
**DISTRICT (R-1), SECTION 10-25, RESIDENTIAL DISTRICT (R-2),**  
**SECTION 10-26, RESIDENTIAL DISTRICT (R-3) AND**  
**SECTION 10-27 MULTIPLE FAMILY RESIDENTIAL DISTRICT (RM-1),**  
**SECTION 10-28 GENERAL BUSINESS (GB),**  
**SECTION 10-29 COMMUNITY BUSINESS (CB)**  
**RESPECTIVELY OF THE CODE OF THE COUNTY OF MONTGOMERY VIRGINIA,**  
**BY ADDING BOARDING HOUSE AND TRANSITION HOUSE AS USES PERMITTED**  
**WITH A SPECIAL USE PERMIT IN THE AGRICULTURE DISTRICT (A-1),**  
**RESIDENTIAL DISTRICT (R-1), RESIDENTIAL DISTRICT (R-2), RESIDENTIAL**  
**DISTRICT (R-3), MULTIPLE FAMILY RESIDENTIAL DISTRICT (RM-1), GENERAL**  
**BUSINESS (GB) AND THE COMMUNITY BUSINESS (CB) DISTRICT**  
**AND BY ADDING A CONTRACTORS SERVICE ESTABLISHMENT AS USES**  
**PERMITTED WITH A SPECIAL USE PERMIT IN THE GENERAL BUSINESS (GB)**  
**AND THE COMMUNITY BUSINESS (CB) DISTRICT AND BY REMOVING GROUP**  
**HOME AS A PERMITTED USE WITH A SPECIAL USE PERMIT IN SECTION 10-**  
**27,MULTIPLE-FAMILY RESIDENTIAL (RM-1) DISTRICT**

On a motion by Mary W. Biggs, seconded by James D. Politis and carried unanimously,

BE IT ORDAINED, By the Board of Supervisors of the County of Montgomery, Virginia, that Chapter 10, entitled Zoning, Sections 10-21(4)(i), 10-24(4)(i), 10-25(4)(i), 10-26(4)(i), 10-27(4)(i), 10-28(4), and 10-29 (4) respectively of the Code of the County of Montgomery, Virginia, shall be amended and reordained as follows:

**Sec. 10-21. A-1 Agricultural District**



(4)(i) *Uses permissible by special use permit.* The following uses may be permitted by the board of supervisors as special uses, subject to the requirements of this chapter and all other applicable regulations:

- (a) Accessory structures greater than twelve hundred (1,200) square feet in area and/or eighteen (18) feet in height when part of an application requesting a rezoning or other use permitted by a special use permit from the board of supervisors.
- (b) Bed and breakfast inn.
- (c) **Boarding House.**
- (d) ~~(c)~~ Campground.
- (e) ~~(d)~~ Camp, boarding.
- (f) ~~(e)~~ Civic club.
- (g) ~~(f)~~ Contractor's storage yard.
- (h) ~~(g)~~ Country club.
- (i) ~~(h)~~ Country inn.
- (j) ~~(i)~~ Custom meat cutting, processing and packaging.
- (k) ~~(j)~~ Day care center.
- (l) ~~(k)~~ Disposal facility, landfill.
- (m) ~~(l)~~ Exploratory activities associated with extractive industries.
- (n) ~~(m)~~ Extractive industries and accessory uses including, but not limited to, the mining of minerals and the operation of oil and gas wells.
- (o) ~~(n)~~ Game preserve.
- (p) ~~(o)~~ Garden center.
- (q) ~~(p)~~ General store or specialty shop, provided gross floor area is two thousand (2,000) square feet or less.
- (r) ~~(q)~~ Golf course.
- (s) ~~(r)~~ Golf driving range.
- (t) ~~(s)~~ Grain mill, feed mill.
- (u) ~~(t)~~ Home business.
- (v) ~~(u)~~ Junkyard, automobile graveyard.
- (w) ~~(v)~~ Kennel, commercial (refer to use limitations in subsection 7).
- (x) ~~(w)~~ Landfill (see Disposal facility).
- (y) ~~(x)~~ Livestock market.
- (z) ~~(y)~~ Park, lighted.
- (aa) ~~(z)~~ Playground, lighted.
- (bb) ~~(aa)~~ Public utility plant, other.
- (cc) ~~(bb)~~ Public utility substations.
- (dd) ~~(cc)~~ Public utility plant water or sewer (not including distribution or collection lines).
- (ee) ~~(dd)~~ Recreational vehicle park.
- (ff) ~~(ee)~~ Recycling collection points.
- (gg) ~~(ff)~~ Repair shop, automotive (refer to use limitations in subsection 7).
- (hh) ~~(gg)~~ Restaurant, provided gross floor area is two thousand (2,000) square feet or less.
- (ii) ~~(hh)~~ Rural resort.

- (jj) ~~(ii)~~ Sawmill.
- (kk) ~~(jj)~~ Shooting range (as principal use or accessory to a gun shop). (Refer to use limitations in subsection 7).
- (ll) ~~(kk)~~ Slaughterhouse.
- (mm) ~~(ll)~~ Solid waste collection point.
- (nn) ~~(mm)~~ Stable, commercial.
- (oo) ~~(nn)~~ Structures, nonresidential, totaling in excess of twenty thousand (20,000) gross square feet.
- (pp) ~~(oo)~~ Structures over forty (40) feet in height.
- (qq) ~~(pp)~~ Telecommunications tower, freestanding.
- (rr) Transition House.**
- (ss) ~~(qq)~~ Flea market (also subject to requirements of article VI of the County Code).
- ~~(tt) ~~(rr)~~ Impervious lot coverage greater than twenty (20) percent but less than twenty five (25) percent.~~
- (tt) ~~(ss)~~ Stone engraving and sales.

#### **Sec. 10-24. R-1 Residential District**

(4)(i) *Uses permissible by special use permit.* The following uses may be permitted by the board of supervisors as special uses, subject to the requirements of this chapter and to all applicable regulations:

- (a) Accessory structures greater than twelve hundred (1,200) square feet in area and/or eighteen (18) feet in height when part of an application requesting a rezoning or other use permitted by a special use permit from the board of supervisors.
- (b) Bed and breakfast inn.
- (c) Boarding House.**
- (d) ~~(c)~~ Cemetery.
- (e) ~~(d)~~ Civic club.
- (f) ~~(e)~~ Country club.
- (g) ~~(f)~~ Day care center.
- (h) ~~(g)~~ Fire, police and rescue stations.
- (i) ~~(h)~~ Funeral home.
- (j) ~~(i)~~ Golf course.
- (k) ~~(j)~~ Home business.
- (l) ~~(k)~~ Nursing home.
- (m) ~~(l)~~ Park, lighted or unlighted.
- (n) ~~(m)~~ Playground, lighted or unlighted.
- (o) ~~(n)~~ Private club.
- (p) ~~(o)~~ Public utility plant, other.
- (q) ~~(p)~~ Public utility plant, water or sewer.
- (r) Transition House.**

**Sec. 10-25. R-2 Residential District**

(4)(i) *Uses permissible by special use permit.* The following uses may be permitted by the board of supervisors as special uses, subject to the requirements of this chapter and to all applicable regulations:

- (a) Accessory structures greater than twelve hundred (1,200) square feet in area and/or eighteen (18) feet in height when part of an application requesting a rezoning or other use permitted by a special use permit from the board of supervisors.
- (b) Bed and breakfast inn.
- (c) Boarding House.**
- (d) ~~(e)~~ Cemetery.
- (e) ~~(d)~~ Civic club.
- (f) ~~(e)~~ Country club.
- (g) ~~(f)~~ Day care center.
- (h) ~~(g)~~ Fire, police and rescue stations.
- (i) ~~(h)~~ Funeral home.
- (j) ~~(i)~~ Golf course.
- (k) ~~(j)~~ Home business.
- (l) ~~(k)~~ Nursing home.
- (m) ~~(l)~~ Park, lighted or unlighted.
- (n) ~~(m)~~ Playground, lighted or unlighted.
- (o) ~~(n)~~ Private club.
- (p) ~~(o)~~ Public utility plant, other.
- (q) ~~(p)~~ Public utility plant, water or sewer.
- (r) Transition House.**

**Sec. 10-26. R-3 Residential District**

4)(i) *Uses permissible by special use permit.* The following uses may be permitted by the board of supervisors as special uses, subject to the requirements of this chapter and to all other applicable regulations:

- (a) Accessory structures greater than twelve hundred (1,200) square feet in area and/or eighteen (18) feet in height when part of an application requesting a rezoning or other use permitted by a special use permit from the board of supervisors.
- (b) Bed and breakfast homestay.
- (c) Boarding House.**
- (d) ~~(e)~~ Cemetery.
- (e) ~~(d)~~ Civic club.
- (f) ~~(e)~~ Country club.
- (g) ~~(f)~~ Day care center.
- (h) ~~(g)~~ Fire, police and rescue stations.
- (i) ~~(h)~~ Funeral home.
- (j) ~~(i)~~ Golf course.

- (k) ~~(j)~~ Home business.
- (l) ~~(k)~~ Manufactured home, Class A and Class B.
- (m) ~~(l)~~ Medical care facility.
- (n) ~~(m)~~ Nursing home.
- (o) ~~(n)~~ Park, lighted or unlighted.
- (p) ~~(o)~~ Playground, lighted or unlighted.
- (q) ~~(p)~~ Public utility plant, other.
- (r) ~~(q)~~ Public utility substations.
- (s) Transition House.**

**Sec. 10-27. RM-1 Multiple-Family Residential District.**

(4)(i) *Uses permissible by special use permit.* The following uses may be permitted by the board of supervisors as special uses, subject to the requirements of this chapter and to all other applicable regulations:

- (a) Boarding House**
- (b) ~~(a)~~ Cemetery.
- (c) ~~(b)~~ Civic club.
- (d) ~~(c)~~ Country club.
- (e) ~~(d)~~ Country inn.
- (f) ~~(e)~~ Congregate care facility.
- (g) ~~(f)~~ Day care center.
- (h) ~~(g)~~ Dormitory.
- (i) ~~(h)~~ Fire, police and rescue stations.
- (j) ~~(i)~~ Funeral home.
- (k) ~~(j)~~ Golf course.
- ~~(l) ~~(k)~~ Group home.~~
- ~~(m)~~ (l) Medical care facility.
- ~~(n)~~ (m) Nursing home.
- ~~(o)~~ (n) Park, lighted or unlighted.
- ~~(p)~~ (o) Playground, lighted or unlighted.
- ~~(q)~~ (p) Public utility substations.
- ~~(r)~~ (q) Senior living facility.
- ~~(s)(r)- Transition House~~**

**Sec. 10-28. GB General Business.**

(4) *Uses permissible by special use permit.* The following uses may be permitted by the board of supervisors as special uses, subject to the requirements of this chapter and with all other applicable regulations:

- (a) Assembly of electrical, electronic devices, greater than three thousand (3,000) square feet floor area.
- (b) Boarding House**
- (c) ~~(b)~~ Truck, trailer, heavy equipment sales, service, rental and repair.
- (d) ~~(c)~~ Building greater than fifty (50) feet in height.

**(e) Contractors Service Establishment**

- (f) ~~(d)~~ Farm machinery sales and service.
- (g) ~~(e)~~ Feed and seed store and mill.
- (h) ~~(f)~~ General store, convenience store with motor fuel sales.
- (i) ~~(g)~~ Golf driving range, miniature golf and similar outdoor recreation.
- (j) ~~(h)~~ Kennel, commercial.
- (k) ~~(i)~~ Livestock market.
- (l) ~~(j)~~ Mini-warehouse.
- (m) ~~(k)~~ Outpatient mental health and substance abuse center.
- (n) ~~(l)~~ Public utility plant, other.
- (o) ~~(m)~~ Public utility substation.
- (p) ~~(n)~~ Public utility plant, water or sewer.
- (q) ~~(o)~~ Recreation establishment.
- (r) ~~(p)~~ Recycling facility.
- (s) ~~(q)~~ Service station.
- (t) ~~(r)~~ Shooting range, indoor.
- (u) ~~(s)~~ Telecommunication tower, freestanding.

**(v) Transition House**

- (w) ~~(t)~~ Night club.
- (x) ~~(u)~~ Stone engraving and sales.

**Sec. 10-29. CB Community Business.**

(4) *Uses permissible by special use permit.* The following uses may be permitted by the board of supervisors as special uses, subject to the requirements of this chapter and with all other applicable regulations:

- (a) Assembly of electrical, electronic devices, greater than one thousand two hundred (1,200) square feet floor area.

**(b) Boarding House**

- (c) ~~(b)~~ Truck, trailer sales, service, rental and repair with outside operations.
- (d) ~~(c)~~ Building greater than thirty-five (35) feet in height.

**(e) Contractors Service Establishment**

- (f) ~~(d)~~ Convenience store less than three thousand (3,000) square feet, with motor fuel sales.
- (g) ~~(e)~~ Dwelling, single-family or two-family.
- (h) ~~(f)~~ Farm machinery sales and service.
- (i) ~~(g)~~ Feed and seed store and mill.
- (j) ~~(h)~~ Golf course.
- (k) ~~(i)~~ Golf driving range.
- (l) ~~(j)~~ Kennel, commercial.
- (m) ~~(k)~~ Public utility plant, other.
- (n) ~~(l)~~ Public utility substation.
- (o) ~~(m)~~ Public utility plant, water or sewer.
- (p) ~~(n)~~ Recreation establishment.

- (q) ~~(p)~~ Recycling facility.
- (r) ~~(p)~~ Telecommunication tower, freestanding.
- (s) Transition House**
- (t) ~~(q)~~ Veterinary practice, animal hospital.
- (u) ~~(r)~~ Mini-warehouse.
- (v) ~~(s)~~ Stone engraving and sales.

The vote on the foregoing ordinance was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Gary D. Creed	None	John A. Muffo
Doug Marrs		
Mary W. Biggs		
James D. Politis		
William H. Brown		
Annette S. Perkins		

**ORD-FY-09-12**  
**AN ORDINANCE AMENDING CHAPTER 10 ENTITLED ZONING,**  
**SECTION 10-35 PUD-RES PLANNED UNIT DEVELOPMENT-RESIDENTIAL**  
**DISTRICT OF THE CODE OF THE COUNTY OF MONTGOMERY VIRGINIA, BY**  
**REMOVING GROUP HOME AS A USE PERMITTED BY RIGHT IN THE PUD-RES**  
**PLANNED UNIT DEVELOPMENT-RESIDENTIAL DISTRICT**

On a motion by Mary W. Biggs, seconded by James D. Politis and carried unanimously,

BE IT ORDAINED, By the Board of Supervisors of the County of Montgomery, Virginia, that Chapter 10, entitled Zoning, Section 10-35 (3) of the Code of the County of Montgomery, Virginia, shall be amended and reordained as follows:

**Sec. 10-35. PUD-RES Planned Unit Development-Residential district.**

(3) *Uses permitted by right.* The following uses are permitted by right, subject to compliance with all approved plans and permits, development standards and performance standards contained in this chapter:

- (a) Cemetery.
- (b) Church.
- (c) Civic club.
- (d) Conference or training center.
- (e) Congregate care facility.
- (f) Convenience store, without motor fuel sales.
- (g) Day care center.
- (h) Dwelling, multifamily (apartment).

- (i) Dwelling, single-family.
- (j) Dwelling, single-family attached (townhouse).
- (k) Dwelling, two-family (duplex).
- (l) Financial services.
- (m) Fire, police and rescue station.
- (n) Funeral home.
- (o) Golf course.
- ~~(p) Group home.~~
- (p) ~~(q)~~ Home occupation (new).
- (q) ~~(r)~~ Library.
- (r) ~~(s)~~ Medical care facility.
- (s) ~~(t)~~ Mobile home, Class A.
- (t) ~~(u)~~ Nursing home.
- (u) ~~(v)~~ Office, administrative, business or professional.
- (v) ~~(w)~~ Park, lighted or unlighted.
- (w) ~~(x)~~ Pet, household.
- (x) ~~(y)~~ Playground, lighted or unlighted.
- (y) ~~(z)~~ Post office.
- (z) ~~(aa)~~ Public facility.
- (aa) ~~(bb)~~ Public utility lines, other.
- (bb) ~~(cc)~~ Public utility lines, water or sewer.
- (cc) ~~(dd)~~ Recreation establishment.
- (dd) ~~(ee)~~ Recycling collection point.
- (ee) ~~(ff)~~ Restaurant with gross floor area of less than two thousand (2,000) square feet.
- (ff) ~~(gg)~~ Retail sales and services.
- (gg) ~~(hh)~~ School.
- (hh) ~~(ii)~~ Senior living facility.
- (ii) ~~(jj)~~ Telecommunication tower, attached.

The vote on the foregoing ordinance was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Doug Marrs	None	John A. Muffo
Mary W. Biggs		
James D. Politis		
William H. Brown		
Gary D. Creed		
Annette S. Perkins		

**ORD-FY-09-13**

**AN ORDINANCE AMENDING CHAPTER 10 ENTITLED ZONING,  
SECTION 10-35 PUD-RES PLANNED UNIT DEVELOPMENT-RESIDENTIAL  
DISTRICT OF THE CODE OF THE COUNTY OF MONTGOMERY VIRGINIA,  
BY REDUCING THE MINIMUM REQUIRED ACREAGE TO QUALIFY FOR  
INCLUSION IN THE PUD-RES PLANNED UNIT DEVELOPMENT RESIDENTIAL  
DISTRICT FROM FIFTY (50) ACRES TO TEN (10) ACRES FOR LANDS  
DESIGNATED IN THE COMPREHENSIVE PLAN AS URBAN EXPANSION AREA  
AND FROM TWENTY (20) ACRES TO FIVE (5) ACRES FOR LANDS DESIGNATED  
IN THE COMPREHENSIVE PLAN AS VILLAGE OR VILLAGE EXPANSION AREA**

On a motion by Mary W. Biggs, seconded by William H. Brown and carried unanimously,

BE IT ORDAINED, By the Board of Supervisors of the County of Montgomery, Virginia, that Chapter 10, entitled Zoning, Section 10-35 (2) of the Code of the County of Montgomery, Virginia, shall be amended and reordained as follows:

**Sec. 10-35. PUD-RES Planned Unit Development-Residential district.**

(2) *Qualifying lands.* Lands qualifying for inclusion in the district shall be PUD-RES on the date of passage of this chapter, or other lands within areas mapped as village, village expansion or urban expansion in the comprehensive plan which are served by or planned for connections to public sewer and water. The minimum area required to create a district shall be ~~fifty (50)~~ **ten (10)** net acres of total contiguous land in the urban expansion area and ~~twenty (20)~~ **five (5)** net acres in the village or village expansion area.

The vote on the foregoing ordinance was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Doug Marrs	None	John A. Muffo
Mary W. Biggs		
James D. Politis		
William H. Brown		
Gary D. Creed		
Annette S. Perkins		

**ORD-FY-09-14**



**AN ORDINANCE AMENDING CHAPTER 10  
ENTITLED ZONING, SECTION 10-61  
OF THE CODE OF THE COUNTY OF MONTGOMERY VIRGINIA,  
BY AMENDING THE DEFINITION OF HOME BUSINESS AND  
HOME OCCUPATION BY ALLOWING THE HOME BUSINESS AND  
HOME OCCUPATION ACTIVITY IN AN ACCESSORY STRUCTURE AND  
BY ADDING BOARDING HOUSE AND TRANSITION HOUSE  
TO THE LIST OF WORDS AND PHRASES DEFINED  
IN THE ZONING ORDINANCE**

On a motion by Doug Marrs, seconded by Mary W. Biggs and carried unanimously,

BE IT ORDAINED, By the Board of Supervisors of the County of Montgomery, Virginia, that Chapter 10, entitled Zoning, Section 10-61 of the Code of the County of Montgomery, Virginia, shall be amended and reordained by adding Boarding House and Transition House to the list of words and phrases defined in the Zoning Ordinance and by amending the definition for Home Business and Home Occupation as follows:

**Sec. 10-61. Definitions.**

**Boarding House**-A dwelling, or part thereof, with 3 or more rooms that are rented individually or collectively by long-term residents (at least month-by-month tenants) as opposed to overnight or weekly guest. A boarding house may make provisions for serving meals. **See “Family.”**

**Family**-One (1) or more persons occupying a premises and living in a single dwelling unit, as distinguished from an unrelated group occupying a boardinghouse, tourist home or hotel. One (1) or more persons related by blood, marriage, adoption or guardianship, including servants, caregivers, and no more than two (2) roomers or boarders; or a group of not more than four (4) unrelated persons; or up to eight (8) mentally or developmentally disabled persons living in a residential group home facility. **See “Boarding House” and “Group Home.”**

**Group Home**-A dwelling shared by no more than eight (8) psychologically disordered, mentally or developmentally disabled persons, including resident staff, who live together as a single housekeeping unit, and shall for the purposes of this ordinance be considered a residential single family. Psychological disorders and developmentally challenged shall not include current illegal use of or addiction to a controlled substance as defined in section 54.1-3401 of the Code of Virginia. **See “Family” and “Boarding House.”**

**Home Business**-A business activity carried on by the resident(s) of a dwelling and up to two (2) nonresident employees, as a clearly incidental and subordinate use of the residential dwelling, in which the on-site business activity is conducted wholly within the dwelling **or accessory structure**, with no exterior impacts such as traffic, parking demand, noise, vibration, glare, odors or electrical interference, and the residential appearance of the dwelling and the character of the neighborhood is maintained.

**Home Occupation**-A business activity carried on solely by the resident(s) of a dwelling, as a clearly incidental and subordinate use of the residential dwelling or accessory ~~dwelling~~ **structure**, in which the on-site business activity generates no exterior impacts such as traffic, parking demand, noise, vibration, glare, odors or electrical interference, and the residential appearance of the dwelling and the character of the neighborhood is maintained.

**Transition House-An establishment providing accommodations, rehabilitation, counseling, and supervision of up to six (6) persons suffering from alcohol or drug addiction or similar disorders, and/or to persons re-entering society after being released from a correctional facility or other institution, enabling them to live independent.**

The vote on the foregoing ordinance was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Mary W. Biggs	None	John A. Muffo
James D. Politis		
William H. Brown		
Gary D. Creed		
Doug Marrs		
Annette S. Perkins		

## **NEW BUSINESS**

### **A-FY-09-71 PUBLIC SERVICE AUTHORITY SUPPLEMENTAL APPROPRIATION**

On a motion by James D. Politis, seconded by Gary D. Creed and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2009, for the function and in the amount as follows:

890	Transfer to the PSA	\$30,000
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The source of the funds for the foregoing appropriation is as follows:

<u>Revenue Account</u>	
413306	Boundary Adjustment Fee
	\$30,000

Said resolution appropriates fees collected from the loss of utility service from the Maple Ridge Subdivision due to a boundary line adjustment with the Town of Blacksburg.

Upon receipt of additional fees from the Maple Ridge Boundary Adjustment, the County Administrator shall place a resolution for the Board's consideration appropriating that money to the PSA.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
James D. Politis	None	John A. Muffo
William H. Brown		
Gary D. Creed		
Doug Marrs		
Mary W. Biggs		
Annette S. Perkins		

**R-FY-09-97  
PROCLAMATION  
DECLARE FEBRUARY  
AMERICAN HEART MONTH**

On a motion by Mary W. Biggs, seconded by James D. Politis and carried unanimously,

WHEREAS, Montgomery County celebrates the extraordinary progress in heart health and recognizes that more needs to be done to safeguard our health for generations to come; and

WHEREAS, Heart disease is the number one killer of men and women in the United States; and

WHEREAS, Men and women can promote their own heart health and prevent disease and illness by taking steps to prevent and control the heart disease risk factors; and

WHEREAS, Keeping our families healthy and promoting awareness of health issues, including heart health, is an important responsibility and depends on the actions of each other, including organizations and groups within our communities; and

WHEREAS, Health remains a priority for families, communities, and government, and our commitment to keeping people healthy is stronger than ever; and

WHEREAS, The Heart Truth National Awareness and Prevention Campaign is building awareness of heart disease risk and empowering everyone to reduce their risk and prevent heart disease; and

WHEREAS, Our commitment to promoting a culture of healthy lifestyles is stronger than ever.

NOW, THEREFORE BE IT RESOLVED, The Board of Supervisors of the County of Montgomery, Virginia does hereby proclaim February as American Heart Month and February 6, 2009 as Heart Health Awareness Day and encourage all employees to work together to promote and improve their health and increase their awareness and understanding of heart disease.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
William H. Brown	None	John A. Muffo
Gary D. Creed		
Doug Marrs		
Mary W. Biggs		
James D. Politis		
Annette S. Perkins		

#### **COUNTY ATTORNEY'S REPORT**

The County Attorney asked for the Board's consensus to schedule a public hearing on March 9, 2009 to receive comments on a resolution authorizing the issuance of up to \$7,875,000 of General Obligation School Bonds. The Bonds are to be issued for financing a portion of the costs of the acquisition, construction, and equipping of the new Elliston-Lafayette and Shawsville Elementary School for public school purposes and are expected to be sold to the Virginia Public School Authority under the Subsidy Program. The County Attorney explained that the County has not received the proposed resolution from the County's Bond Counsel yet, which is why a resolution to schedule the public hearing was not on the agenda. Once the resolution is received the legal notice will be published notifying citizens of the public hearing.

It was consensus of the Board to advertise the public hearing for March 9, 2009.

#### **COUNTY ADMINISTRATOR'S REPORT**

Inmate Clean-Up Project – Update: The County Administrator provided an update on the inmate clean-up of secondary roads throughout the County. A total of 6,820 pounds of trash was collected from December 23, 2008 – January 30, 2009. Roads that were cleaned up include Tyler Road, Peppers Ferry Road, Cinnabar Road, Nolley Road, and Roanoke Road from the Roanoke County Line to Brake Road. The County Administrator praised the Sheriff's office on their clean-up efforts.

Proposed Regional 911 Authority: The County Administrator made a presentation on a proposed Regional 911 Authority. Representatives from Montgomery County, Towns of Blacksburg and Christiansburg, City of Radford, Radford University and Virginia Tech have been meeting to discuss proceeding with a study to determine if it is technologically feasible to establish a regional 911 Authority.

The purpose of the 911 Authority is to evaluate the process and implement findings by which the six governmental entities can establish one radio system to serve the six entities.

Presently all six entities have their own dispatch centers and radio systems making it difficult to communicate at a major hazardous scene or threat. These meetings were initiated by the desire to improve radio communications and to reduce the cost of overtime by consolidating dispatch centers.

The County's representatives to this group have been the Sheriff, Chief Deputy and other Sheriff Officers associated with the dispatch center and other Sheriff Communication equipment, and the County Administrator.

The first accomplishment was to receive a grant from the Virginia Information Technologies Agency (VITA) in the amount of \$85,000 for the purpose of funding a technology study to determine if the six entities can be served by one radio system. No local share was required.

A Draft Memorandum of Understanding Creation of Working Group for the New River Valley 911 Emergency Communication Center was presented for Board review. This MOU includes only four entities at this time. The four entities are Virginia Tech, Towns of Blacksburg and Christiansburg and Montgomery County. The City of Radford and Radford University have chosen not to proceed at this time. They are awaiting completion of the VITA funded study. The final report is scheduled for release in July, 2009.

The purpose of the MOU is to establish an understanding between the members of the Working Group that addresses the employment of a Consultant, the scope of work and study to be performed by the Consultant, and cost sharing between the members of the Working Group.

The members of the Working Group have elected to approach their respective governing bodies and seek authorization to proceed with certain tasks to get the process started. It is estimated that the approval of the MOU could speed up the creation of a 911 Authority by four to six months.

Estimated start up cost is \$100,000 to be shared equally among the four entities, Montgomery County's share is \$25,000. Cost allocated over two fiscal years is projected to be: FY 2009 - \$5,000; FY 2010 - \$20,000.

It is recommended that this one time start up cost be funded from the County's unappropriated fund balance.

The County Administrator spoke with the Sheriff, and the Sheriff recommends that the Board approve this MOU so the County can move forward with investigating and planning for the establishment of a 911 Authority.

The County Administrator recommended approval of the MOU. The Sheriff's Office will be facing major radio and other communications upgrades in the coming years. The present system lacks strong interoperability capabilities. The County and members of the proposed 911 Authority will face the need to spend large sums of money upgrading insufficient individual systems. By collaborating with the other five entities, the County and all future members of the proposed 911 Authority will be able to improve interoperability and improve radio communications in a cost effective manner.

The County Administrator asked Sheriff Whitt if he would like to make any comments on this proposal.

Sheriff Whitt commented that this concept has been discussed for many years, as far back as the 1980's. A regional communications center is needed in Montgomery County so all six localities can access the same radio frequency to expedite emergency services. The recent tragedies in the County proves that a regional communications center is needed.

## **BOARD MEMBERS' REPORT**

**Supervisor Marrs** reported he has traveled to Richmond several times to lobby state representatives to restore funding to the Western Virginia Regional Jail. He stated that the House and Senate have both restored funding into the budget and are waiting for Governor Kaine's approval. As previously reported, if funding is restored this will save the County approximately \$125,000 - \$145,000 per year for twenty years.

VACo/VML Legislative Day – Supervisors Marrs, Biggs and Perkins attended Legislative Day hosted by Virginia Association of Counties and Virginia Municipal League. All three met with the County's state representatives to discuss the County's needs.

**Supervisor Biggs** praised Supervisor Marrs for his efforts to restore this funding to WVRJ. She knows how hard he worked to lobby for the County and how this makes a difference. She reported that while in Richmond for the Legislative Day she met with Governor Kaine regarding the regional jail funding and other matters.

**Supervisor Perkins** reported that the federal stimulus bill was discussed at the recent Legislative Day meeting in Richmond. Governor Kaine announced that President Obama will be announcing his final draft of the economic stimulus plan on February 22, 2009. Governor Kaine stated he will have seven days in which to distribute and make recommendations as to where the money should go after the plan is approved. He urged localities to submit "shovel ready" projects only should funding become available. Localities were reminded that they will be held accountable for taxpayers money and to keep a paper trail. Supervisor Perkins pointed out that Montgomery County is always keen to citizen perception and it's their policy to follow

every rule. Also, there are numerous projects in Montgomery County that will be submitted for possible stimulus money ranging from school construction projects, transportation, public safety infrastructure and water and sewer projects.

Budget Work Session – February 10, 2009: Supervisor Perkins asked that a closed meeting item be added to the February 10<sup>th</sup> agenda to discuss personnel. She asked Board members if they could meet at 5:30 p.m. instead of 6:00 p.m. as originally scheduled. All Board members agreed they could meet at 5:30 p.m. Supervisor Perkins instructed staff to send out a notification that the February 10, 2009 meeting will start at 5:30 p.m. instead of 6:00 p.m.

**ADJOURNMENT**

On a motion by James D. Politis, seconded by Mary W. Biggs and carried unanimously, the Board of Supervisors adjourned to Tuesday, February 10, 2009 at 5:30 p.m.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Gary D. Creed	None	John A. Muffo
Doug Marrs		
Mary W. Biggs		
James D. Politis		
William H. Brown		
Annette S. Perkins		

The meeting adjourned at 8:50 p.m.

APPROVED: _____	ATTEST: _____
Annette S. Perkins Chair, Board of Supervisors	B. Clayton Goodman, III County Administrator